

## Attorney:

MICHAEL FAILLACE  
MICHAEL FAILLACE & ASSOCIATES  
60 EAST 42ND STREET SUITE 4510  
NEW YORK NY 10165

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HITLER CALLE, INDIVIDUALLY AND ON BEHALF OF OTHERS SIMILARLY SITUATED  
Plaintiff

PIZZA PALACE CAFE LLC D/B/A PIZZA PALACE CAFE, ET AL  
Defendant



Index / case #: 1:20-CV-04178-LDH  
AFFIDAVIT OF SERVICE

Richmond County, State of NEW YORK Donald DePrete being sworn,  
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of NY  
On 9/23/20 at 12:00 am/pm at: 63-60 108TH STREET FOREST HILLS NY 11375

Deponent served the within: SUMMONS & COMPLAINT  
NOTICE OF INTENTION TO ENFORCE LIMITED LIABILITY COMPANY MEMBER LIABILITY FOR SERVICES RENDERED

On which were set forth the Index No., herein, and date of filing

On: LEOY DOE C/O PIZZA PALACE CAFE LLC D/B/A PIZZA PALACE CAFE  
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☒ Suitable Age person By delivering thereat a true copy of each to; LEOY DOE  
a person of suitable age and discretion. Said premises is recipients [ ] Actual Place of Residence  
[X] Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [ ] Actual Place of Residence  
[ ] Actual Place of Business, within the State  
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there
- ☐ Corporation or Partnership By delivering thereat a true copy of each to; \_\_\_\_\_  
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said  
aforementioned document as said recipient and knew said individual to be \_\_\_\_\_ thereof.
- ☒ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed  
to recipient at recipients last known [ ] Actual Place of Residence, [X] Actual Place of Business  
at 63-60 108TH ST FOREST HILLS, NY 11375  
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within  
New York State. The envelope bore the legend "personal and confidential" and did not indicate the outside, thereof  
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ Description ☒ Male ☒ White skin [ ] Black hair [ ] 14-20 Yrs [ ] Under 5' [ ] Under 100 Lbs  
[ ] Female [ ] Black skin ☒ Brown hair ☒ 21-35 Yrs [ ] 5'0"-5'3" [ ] 100-130 Lbs  
[ ] Yellow skin [ ] Gray hair [ ] 36-50 Yrs [ ] 5'4"-5'8" [ ] 131-160 Lbs  
[ ] Brown skin [ ] Blonde hair [ ] 51-65 Yrs ☒ 5'9"-6'0" ☒ 161-200 Lbs  
[ ] Red skin [ ] Red hair [ ] Over 65 Yrs [ ] Over 6' [ ] Over 200 Lbs
- Other Identifying Features 7/28/20
- ☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of  
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief  
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered In the amount of \_\_\_\_\_

Sworn to before me on 9/23/20  
[Signature]

ROBERT A. ZUFFI, JR.  
Notary Public, State of New York  
Registration #01ZU6208524  
Qualified in Richmond County  
Commission Expires July 6, 2024

Donald DePrete  
(Print name below signature)  
Donald DePrete

File No. 1:20-CV-04178-LDH

Work Order No. 512232

BoroWide Legal, Inc.  
08 Beach Street, 2nd Floor  
Staten Island, NY 10304

FIRST-CLASS



US POSTAGE

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SEP 23 2020

Levy Doe c/o Pizza Palace Cafe LLC  
10A Pizza Palace Cafe  
63-60 108th St.  
Forest Hills, NY 11375

Personal & Confidential

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

LEONARDO XUM TAMBRIZ, OCTAVIANO XUM  
TAMBRIZ, and RUBEN ROMERO ROBLES,  
individually and on behalf of others similarly situated,

*Plaintiff(s)*

v.

TASTE AND SABOR LLC (D/B/A TASTE AND  
SABOR), JACOB R. SELECHNIK and NURKIA  
DELEON,

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Nurkia DeLeon  
c/o Taste and Sabor  
318 W. 231 Street,  
Bronx, NY, 10463

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Michael A. Faillace  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
60 East 42nd Street, Suite 4510  
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 07/15/2020

/s/ P. Canales

Signature of Clerk or Deputy Clerk

